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Attorneys for Appellee/Plaintiff
Janina M. Elder-Hoskins, Chapter 11 Trustee

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PATRICIA HEWLETT,

Appellant/Defendant,

v.

JANINA MARIA ELDER-HOSKINS,

Appellee/Plaintiff.

CASE NO. C-13-00328 CRB

Bankruptcy Court Case No. 07-03071 TC

STIPULATION AND ~~[PROPOSED]~~ ORDER
EXTENDING BY 60 DAYS APPELLANT'S
TIME TO FILE OPENING BRIEF

Date: Ex Parte

Time: Ex Parte

Judge: Hon. Charles R. Breyer

Appellant/Defendant Patricia Hewlett (“Appellant”), by and through her newly-retained attorney James Braden, and Appellee/Plaintiff Janina M. Elder-Hoskins (“Appellee”), by and through her attorney Jeffrey Fillerup, hereby stipulate as follows, and ask the Court to approve these terms by an Order confirming them:

(1) Appellant previously filed a motion, acting in pro se, for an extension of time to file her opening brief. The Court granted that motion, which extended the time to file her Appellant’s Opening Brief (“AOB”) from March 11, 2013 to April 8, 2013.

(2) On April 3, 2013, Appellant met for the first time with undersigned attorney James Braden. When Braden appreciated that the deadline for filing the AOB is next Monday, April 8, 2013, he informed Appellant that his ability to effectively represent her in this case would depend upon obtaining a sufficient amount of extended time to file the AOB.

(3) Braden spoke this morning with undersigned attorney Jeffrey Fillerup concerning such an extension of time. Braden and Fillerup agreed that Braden, and thus Appellant, may have an extension of time of 60 days from the current due date of April 8, 2013 i.e. through and including June 7, 2013, to file Appellant’s AOB, conditioned on the following additional points of agreement:

(A) Under no circumstances whatsoever will Braden, as Appellant’s attorney, ask for any further extension of time beyond June 7, 2013 to file the AOB. If Braden nevertheless makes such a request, Fillerup and Appellee will oppose it on the ground that it violates this Stipulation and Order.

(B) Under no circumstances whatsoever will Appellant herself, even if Braden is no longer representing her for whatever reason, including her possible termination of Braden’s

services, ask for any further extension of time beyond June 7, 2013 to file the AOB. If Appellant nevertheless makes such a request, Fillerup and Appellee will oppose it on the ground that it violates this Stipulation and Order.

(C) Under no circumstances whatsoever will any new attorney for Appellant, other than Braden, ask for any further extension of time beyond June 7, 2013 to file the AOB. If any such new attorney nevertheless makes such a request, Fillerup and Appellee will oppose it on the ground that it violates this Stipulation and Order.

(4) So long as Appellant timely files the AOB, then Appellee's response brief will be due on or before July 15, 2013, and Appellant's reply brief, if any, will be due on or before July 31, 2013.

(5) The parties agree that Braden may and shall present this executed Stipulation immediately, on an ex parte basis, by electronic filing, and supplemental email or hand-delivery, as may be appropriate, in order to obtain as promptly as possible the Court's Order confirming and endorsing these agreed terms.

Dated: April 4, 2013

Dated: April 4, 2013

MCKENNA LONG AND ALDRIDGE LLP

LAW OFFICES OF JAMES BRADEN

By: /s/ Jeffrey Fillerup
Jeffrey Fillerup

By: /s/ James Braden
James Braden

Attorneys for Appellee
Janina Maria Elder-Hoskins

Attorney for Appellant Patricia Hewlett

ORDER

GOOD CAUSE APPEARING, the above-stated terms of the parties' Stipulation are hereby confirmed and adopted as an Order of this Court, so that the due date for Appellant's Opening Brief is hereby extended from April 8, 2013 to June 7, 2013. Appellee's response brief is due by July 15, 2013, and Appellant's reply brief, if any, is due by July 31, 2013.

Dated: April __8__, 2013

